

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GERROD L. HERNDON,

Plaintiff,

v.

SMITH, et al.,

Defendant(s).

Case No. [24-cv-01359-CRB](#) (PR)

ORDER OF DISMISSAL

On March 7, 2024, plaintiff, a former state prisoner currently living in San Rafael, California and a frequent litigant in federal court, filed a pro se complaint under 42 U.S.C. § 1983 against several officers and employees of the Novato Police Department summarily alleging that “the police has harassed me in the community for the past 8 years.” ECF No. 1 (Compl.) at 3. Plaintiff also paid the requisite \$405.00 filing fee.

On July 1, 2024, the court explained that because plaintiff is not a prisoner and is not proceeding in forma pauperis (IFP) under 28 U.S.C. § 1915, his complaint is not subject to screening under 28 U.S.C. § 1915A or § 1915(e) but that this also means that plaintiff is responsible for serving the named defendants.

Under Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Because there is no indication that plaintiff has served any of the named defendants in this action, on July 1, 2024 the court ordered plaintiff to show cause within 14 days as to why this action should not be dismissed without prejudice under Rule 4(m) for failure to serve any of the named defendants within 90 days.

1 More than 21 days have passed since the court ordered plaintiff to show cause as to why
2 this action should not be dismissed without prejudice under Rule 4(m), but plaintiff has not
3 responded. This action accordingly is DISMISSED without prejudice under Rule 4(m).

4 The clerk is instructed to close the file.

5 **IT IS SO ORDERED.**

6 Dated: July 24, 2024

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8 CHARLES R. BREYER
9 United States District Judge
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